

Senate Engrossed

~~schools; sexually explicit materials; classification~~
(now: schools; libraries; explicit materials; classification)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1007

AN ACT

AMENDING SECTION 15-120.03, ARIZONA REVISED STATUTES; AMENDING TITLE 34,
CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO
SEXUALLY EXPLICIT MATERIAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-120.03, Arizona Revised Statutes, is amended
3 to read:

4 15-120.03. Sexually explicit materials; prohibition;
5 exemptions; violation; classification;
6 definition

7 A. Except as prescribed in section 15-711, a public school in this
8 state may not refer students to or use any sexually explicit material in
9 any manner.

10 B. Materials may be exempted from the provisions of subsection A if
11 all of the following requirements are met:

12 1. The exempted material possesses serious educational value for
13 minors or possesses serious literary, artistic, political or scientific
14 value.

15 2. The public school requires written parental consent before the
16 public school refers a student to or uses the exempted material. The
17 public school shall require parental consent on a per-material basis.

18 3. The public school provides students for whom parental consent is
19 not secured under paragraph 2 of this subsection with an alternative
20 assignment that does not contain sexually explicit material.

21 C. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PUBLIC SCHOOL WHO
22 ACTING WITH CRIMINAL NEGLIGENCE VIOLATES THIS SECTION IS GUILTY OF A
23 CLASS 5 FELONY.

24 ~~C.~~ D. For the purposes of this section, "sexually explicit
25 materials" includes textual, visual or audio materials or materials
26 accessed via any other medium that depict any of the following:

27 1. Sexual conduct. For the purposes of this paragraph, "sexual
28 conduct" means acts of masturbation, sexual intercourse or physical
29 contact with a person's clothed or unclothed genitals, pubic area,
30 buttocks or, if such person is a female, breast.

31 2. Sexual excitement. For the purposes of this paragraph, "sexual
32 excitement" means the condition of human male or female genitals when in a
33 state of sexual stimulation or arousal.

34 3. Ultimate sexual acts. For the purposes of this paragraph,
35 "ultimate sexual acts" means sexual intercourse, vaginal or anal,
36 fellatio, cunnilingus, bestiality or sodomy. A sexual act is simulated
37 when it depicts explicit sexual activity that gives the appearance of
38 consummation of ultimate sexual acts.

39 Sec. 2. Heading changes

40 A. The chapter heading of title 34, chapter 5, Arizona Revised
41 Statutes, is changed from "COMPUTER ACCESS" to "PUBLIC ACCESS TO COMPUTERS
42 AND LIBRARIES".

43 B. The article heading of title 34, chapter 5, article 1, Arizona
44 Revised Statutes, is changed from "ACCESS BY MINORS" to "COMPUTER ACCESS
45 BY MINORS".

1 Sec. 3. Title 34, chapter 5, Arizona Revised Statutes, is amended
2 by adding article 2, to read:

3 ARTICLE 2. LIBRARY ACCESS BY MINORS

4 34-521. Library access; sexually explicit materials;
5 prohibition; violation; classification;
6 definitions

7 A. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PUBLIC LIBRARY IN
8 THIS STATE MAY NOT REFER AN UNEMANCIPATED MINOR TO ANY SEXUALLY EXPLICIT
9 MATERIAL IN ANY MANNER.

10 B. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PUBLIC LIBRARY IN
11 THIS STATE MAY NOT FACILITATE AN UNEMANCIPATED MINOR'S ACCESS TO ANY
12 SEXUALLY EXPLICIT MATERIAL IN ANY MANNER.

13 C. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PUBLIC LIBRARY WHO
14 ACTING WITH CRIMINAL NEGLIGENCE VIOLATES THIS SECTION IS GUILTY OF A CLASS
15 5 FELONY.

16 D. FOR THE PURPOSES OF THIS SECTION:

17 1. "PUBLIC LIBRARY":

18 (a) MEANS ANY LIBRARY THAT IS OPEN TO MEMBERS OF THE PUBLIC AND
19 THAT IS SUPPORTED, IN WHOLE OR IN PART, BY MONIES DISTRIBUTED BY THIS
20 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

21 (b) INCLUDES ALL OF THE FOLLOWING:

22 (i) A FREE PUBLIC LIBRARY OF A CITY OR TOWN AS PRESCRIBED BY TITLE
23 9, CHAPTER 4, ARTICLE 2.

24 (ii) A COUNTY FREE LIBRARY AS PRESCRIBED BY TITLE 11, CHAPTER 7,
25 ARTICLE 1.

26 (iii) THE STATE LIBRARY AS PRESCRIBED BY TITLE 41, CHAPTER 1,
27 ARTICLE 2.1.

28 2. "SEXUALLY EXPLICIT MATERIALS" INCLUDES TEXTUAL, VISUAL OR AUDIO
29 MATERIALS OR MATERIALS ACCESSED VIA ANY OTHER MEDIUM THAT DEPICT ANY OF
30 THE FOLLOWING:

31 (a) SEXUAL CONDUCT. FOR THE PURPOSES OF THIS SUBDIVISION, "SEXUAL
32 CONDUCT" MEANS ACTS OF MASTURBATION, SEXUAL INTERCOURSE OR PHYSICAL
33 CONTACT WITH A PERSON'S CLOTHED OR UNCLOTHED GENITALS, PUBIC AREA,
34 BUTTOCKS OR, IF SUCH PERSON IS A FEMALE, BREAST.

35 (b) SEXUAL EXCITEMENT. FOR THE PURPOSES OF THIS SUBDIVISION,
36 "SEXUAL EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE GENITALS
37 WHEN IN A STATE OF SEXUAL STIMULATION OR AROUSAL.

38 (c) ULTIMATE SEXUAL ACTS. FOR THE PURPOSES OF THIS SUBDIVISION,
39 "ULTIMATE SEXUAL ACTS" MEANS SEXUAL INTERCOURSE, VAGINAL OR ANAL,
40 FELLATIO, CUNNILINGUS, BESTIALITY OR SODOMY. A SEXUAL ACT IS SIMULATED
41 WHEN IT DEPICTS EXPLICIT SEXUAL ACTIVITY THAT GIVES THE APPEARANCE OF
42 CONSUMMATION OF ULTIMATE SEXUAL ACTS.